

REMARKS

1. Present Status of Patent Application

This is a full and timely response to the outstanding final Office Action mailed October 6, 2004. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2. Indication of Allowable Subject Matter

Applicant greatly appreciates the Examiner's statement in the previous Office Action in which claims 51-57 have been indicated as allowable if rewritten in independent form. In response, Applicant has amended and rewritten claims 51-57 in independent form, as suggested by the Examiner. Therefore, claims 51-57 and their respective dependent claims 2-7, 11-17, 19-25, 27-33, and 38-50 are in condition for allowance.

3. Response to Rejection of Claims 10-17, 26-29, 34-36, 39, 44-50 under 35 U.S.C. § 103(a)

In the Office Action, claims 10-17, 26-29, 34-36, 39, and 44-50 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Katz* (U.S. Patent No. 6,424,706) in view of *Benyacar* (U.S. Patent No. 5,003,584). For a proper rejection of a claim under 35 U.S.C. § 103, the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

a. Claim 10

Without addressing the validity of the rejection, claim 10 has been canceled without prejudice, waiver, or disclaimer, and therefore the rejection has been rendered moot.

b. Claims 11-17 and 39

Claims 11-17 and 39 are allowable for at least the reason that claims 11-17 and 39 include all the features of claim 52.

c. Claim 26

Without addressing the validity of the rejection, claim 26 has been canceled without prejudice, waiver, or disclaimer, and therefore the rejection has been rendered moot.

d. Claims 27-29 and 44-47

Claims 27-29 and 44-47 are allowable for at least the reason that claims 27-29 and 44-47 include all the features of claim 54.

e. Claim 34

Without addressing the validity of the rejection, claim 34 has been canceled without prejudice, waiver, or disclaimer, and therefore the rejection has been rendered moot.

f. Claim 48

Claim 48 is allowable for at least the reason that claim 48 includes all the features of claim 55.

g. Claim 35

Without addressing the validity of the rejection, claim 35 has been canceled without prejudice, waiver, or disclaimer, and therefore the rejection has been rendered moot.

h. Claim 49

Claim 49 is allowable for at least the reason that claim 49 includes all the features of claim 56.

i. Claim 36

Without addressing the validity of the rejection, claim 36 has been canceled without prejudice, waiver, or disclaimer, and therefore the rejection has been rendered moot.

j. Claim 50

Claim 50 is allowable for at least the reason that claim 50 includes all the features of claim 57.

4. Rejection of Claims 1-7, 18-25, 30-33, 38, and 40-43 under 35 U.S.C. § 103

Claims 1-7, 18-25, 30-33, and 40-43 have been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Katz* in view of *Benyacar* and *Lesley* (U.S. Patent No. 6,333,976). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Further, for a proper rejection under 35 U.S.C. § 103, both the suggestion to combine the combination of references and the expectation of success of the combination must be found in the prior art. *See In re Dow Chemical Co.*, 837 F.2d 469, 473, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988).

a. Claim 1

Without addressing the validity of the rejection, claim 1 has been canceled without prejudice, waiver, or disclaimer, and therefore the rejection has been rendered moot.

b. Claims 2-7 and 38

Claims 2-7 and 38 are allowable for at least the reason that claims 2-7 and 38 include all the features of claim 51.

c. Claim 18

Without addressing the validity of the rejection, claim 18 has been canceled without prejudice, waiver, or disclaimer, and therefore the rejection has been rendered moot.

d. Claims 19-25 and 40-43

Claims 19-25 and 40-43 are allowable for at least the reason that claims 19-25 and 40-43 include all the features of claim 53.

e. Claims 30-33

Claims 30-33 are allowable for at least the reason that claims 30-33 include all the features of claim 54.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that pending claims 2-7, 11-17, 19-25, 27-33, and 38-57 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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